IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1438 of 2007

M/S PERFECT THREAD MILLS LTD.
V/S
THE N.H.A.OF INDIA & ANR.

Mr. MANISH SINGHVI, Mr. MANOJ BHANDARI, for the appellant / petitioner

Mr. DHANESH SARASWAT, for the respondent

Date of Order : 2.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant and perused the impugned order.

The learned trial Court has declined the petitioner's application filed under Section 9 of the Arbitration Act, on the ground that the possession is required to be delivered within a period of 60 days of issuance of the notice, otherwise possession can be taken by force, and the Court found that this time cannot be extended. Then considering the equities also, it has been considered that the notification under Section 3A was published on 11.7.2005 and notification under Section 3D, which was issued, was published on 16.12.2005. Thus, the acquisition was became final that time, and only question remained was for determination of compensation.

It was then considered by the learned trial Court that the petitioner should have started shifting godown and

ETP since that time itself i.e. publication of the notification under Section 3D. Thus, the petitioner has already got sufficient time.

In my view, these findings do not require any interference. It is an additional fact that even the compensation has been determined and has already been paid to the appellant, according to the respondents in February 2007, while according to the appellant on 27.4.2007, by now more than 60 days have already expired since payment of the compensation as well.

In that view of the matter, I do not find any sufficient ground to interfere in the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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